

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RENARD T. POLK,

Plaintiff,

v.

ROBERT JONES, *et al*,

Defendants.

Case No. 3:16-cv-00250--MMD-WGC

ORDER

The Court adopted the Magistrate Judge's Report and Recommendation, recommending dismissal of this action because Plaintiff is essentially seeking to challenge and vacate judgments in two other cases filed before the Court. (ECF No. 7.) Plaintiff has moved for reconsideration and/or relief from judgment pursuant to Federal Rule of Civil Procedure 59(e). (ECF No. 10.)

The Ninth Circuit has held that a Rule 59(e) motion for reconsideration should not be granted "absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)).

Here, Plaintiff does not present the Court with newly discovered evidence or an intervening change in the law. Rather, Plaintiff appears to argue that the Court committed clear error in its Order. Plaintiff simply rehashes his prior arguments and makes certain new arguments that were available to him when he objected to the

1 Magistrate Judge's Report and Recommendation.¹ However, a motion for
2 reconsideration "may *not* be used to raise arguments or present evidence for the first
3 time when they could reasonably have been raised earlier in the litigation." *Kona Enters.,*
4 *Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir 2000) (emphasis in original). In
5 essence, Plaintiff simply seeks another opportunity to persuade the Court to permit him
6 to challenge the judgments in two other cases.

7 It is therefore ordered that Plaintiff's motion for reconsideration and/or relief from
8 judgment (ECF No. 10) is denied.

9 DATED THIS 3rd day of January 2017.

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11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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26 ¹Plaintiff alludes to a motion to disqualify the entire court in Nevada. (ECF No. 10
27 at 2.) Such a motion was not filed in this case, and while Plaintiff named the undersigned
28 in this action, he made no allegations against the undersigned. The judgments that
Plaintiff seeks to vacate are in two cases presided by other district judges. The
undersigned has no conflict and sees no reason to recuse.